

COMMONWEALTH OF KENTUCKY  
FRANKLIN CIRCUIT COURT  
DIVISION \_\_\_\_

COMMONWEALTH OF KENTUCKY,  
GOVERNOR'S OFFICE FOR  
LOCAL DEVELOPMENT

Plaintiff

v.

ACTION NO. \_\_\_\_\_

COMMONWEALTH OF KENTUCKY  
OFFICE OF THE STATE BUDGET  
DIRECTOR

Serve: Bradford Cowgill  
State Budget Director  
702 Capitol Avenue  
Room 284  
Frankfort, KY 40601

And

COMMONWEALTH OF KENTUCKY,  
FINANCE AND ADMINISTRATION  
CABINET

Serve: Robbie Rudolph  
Secretary  
Finance & Administration  
Cabinet  
702 Capitol Avenue  
Room 383  
Frankfort, KY 40601

Defendants

Per KRS 418.075, serve:  
Hon. Gregory Stumbo  
Attorney General  
700 Capitol Avenue, Suite 118  
Frankfort, KY 40601

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**COMPLAINT FOR DECLARATORY RELIEF**

The Commonwealth of Kentucky, Governor's Office for Local Development ("GOLD"), by counsel, hereby tenders the following Complaint seeking declaratory relief and states as follows:

### **Nature Of This Action**

1. On April 11, 2006, House Bill 380 ("HB 380") was enacted and enrolled by the Kentucky General Assembly and delivered to the Governor.
2. On April 24, 2006, the Governor vetoed portions of HB 380, with the remainder becoming law.
3. HB 380, as enacted, includes an appropriation of ten (10) million dollars in public bond funding for the construction of a pharmacy school building at the University of the Cumberlands. See enacted copy of HB 380, Page 333, Lines 6 through 8.
4. HB 380, as enacted, also includes an appropriation of three hundred seventeen thousand nine hundred (317,900) dollars in public bond funding for a proposed technology center upgrade and workforce retooling at Campbellsville University. See enacted copy of HB 380, Page 408, Lines 16 through 18.
5. Plaintiff files this action for declaratory judgment, pursuant to KRS 418.040, to ask the court to enter judgment declaring that the aforementioned projects and the financing thereof are constitutional under Sections 171 and 189 of the Kentucky Constitution.

### **The Parties, Jurisdiction and Venue**

6. Plaintiff, GOLD, has significant responsibility over the appropriations for the projects described in paragraphs 3 and 4:
  - a. The Kentucky Infrastructure Authority ("KIA") is the budget unit identified in HB 380 as receiving the appropriation for the project described in paragraph 3. KIA is administratively attached to GOLD.

b. GOLD is the budget unit identified in HB 380 as receiving the appropriation for the project described in paragraph 4.

7. Defendant, Office of the State Budget Director ("OSBD"), is the Executive Branch agency charged with statutory responsibility under KRS 11.068 for the administration and evaluation of the executive budget, including but not limited to, capital construction budgeting, evaluation of state programs, program monitoring, financial and policy analysis and issue review and executive policy implementation and compliance.

8. Defendant, Finance and Administration Cabinet ("FAC"), is the Executive Branch agency responsible for financial analysis and management of state cash flows and debt and the reporting of public bond funding under KRS Chapter 42. Moreover, when the General Assembly is not in session, all questions that arise as to the meaning of items in the Executive Branch budget bill shall be decided by the Finance and Administration Cabinet. KRS 48.500(1).

9. This Court has jurisdiction over the parties, all of which are located in Frankfort, Kentucky.

### **COUNT I**

#### **DECLARATORY RELIEF**

10. Plaintiff incorporates by reference the allegations contained in Paragraphs 1 through 9 of this Complaint as if fully set forth herein.

11. The enactment of HB 380, with the appropriations described in paragraphs 3 and 4 above, creates an actual controversy which this Court has the

power to adjudicate pursuant to KRS 418.040. See Hayes v. State Property & Bldgs. Comm'n, 721 S.W.2d 797 (Ky. 1987).

12. Plaintiff prays that this Court enter a binding declaration of rights in respect to the following matters:

a. That the appropriation of ten (10) million dollars in public bond funding for a proposed pharmacy school at the University of the Cumberlands is constitutional under Sections 171 and 189 of the Kentucky Constitution;

b. That the appropriation of three hundred and seventeen thousand nine hundred (317,900) dollars in public bond funding for a proposed technology center upgrade and workforce retooling at Campbellsville University is constitutional under Sections 171 and 189 of the Kentucky Constitution; and

c. That the Defendants may proceed with the issuance of bond financing in accordance with the appropriations described above.

#### **PRAYER FOR RELIEF**

WHEREFORE, plaintiff respectfully prays for the following relief:

1. Entry of judgment declaring that:

a. That the appropriation of ten (10) million dollars in public bond funding for a proposed pharmacy school at the University of the Cumberlands is constitutional under Sections 171 and 189 of the Kentucky Constitution;

b. That the appropriation of three hundred and seventeen thousand nine hundred (317,900) dollars in public bond funding for a proposed technology center upgrade and workforce retooling at

Campbellsville University is constitutional under Sections 171 and 189 of the Kentucky Constitution; and

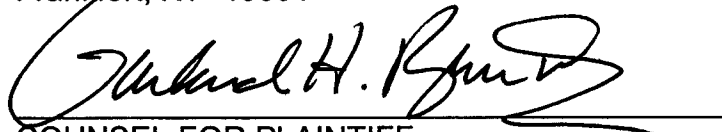
c. That the Defendants may proceed with the issuance of bond financing in accordance with the appropriations described above; and

2. Any and all other relief to which plaintiff may be entitled.

DATED: APRIL 25, 2006.

Respectfully submitted,

Garland H. Barr, IV  
General Counsel  
Governor's Office of Local Development  
1024 Capital Center Drive, Suite 340  
Frankfort, KY 40601

  
COUNSEL FOR PLAINTIFF